

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMES LEWIS,

Plaintiff,

v.

**CHAMPION BARBELL CEO AND
WARDEN OF DIXON C.C. OF STC,**

Defendants.

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Civil Action No. **3:16-CV-1420-L**

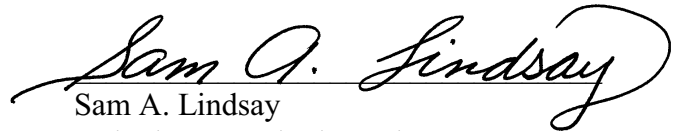
ORDER

Plaintiff James Lewis (“Plaintiff”) brought this action on May 24, 2016, pursuant to 42 U.S.C. § 1983, alleging claims pertaining to injuries he allegedly sustained while “working out in the STC Gym Room.” Pl.’s Compl. 2-3 (Doc. 3). The case was referred to Magistrate Judge Paul D. Stickney, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on May 31, 2016, recommending that Plaintiff’s request to proceed *in forma pauperis* be denied and the case be dismissed pursuant to 28 U.S.C. § 1915(g) unless Plaintiff pays the requisite case filing fee within fourteen days of the filing of the Report. No objections to the Report were filed, and Plaintiff has not paid the requisite case filing fee.

After considering the pleadings, the request to proceed *in forma pauperis*, the record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, Plaintiff’s request to proceed *in forma pauperis* is **denied**, and this action is **dismissed without prejudice** pursuant to 28 U.S.C. § 1915(g) for failure of Plaintiff to pay the case filing fee within fourteen days of the filing of the Report.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 20th day of June, 2016.


Sam A. Lindsay
United States District Judge